



BOARD OF DIRECTORS MEETING

MINUTES

**CLOSED SESSION AND REGULAR MEETING
TUESDAY, NOVEMBER 27, 2018
11:00 AM**

(Paragraph numbers coincide with agenda item numbers)

1. CALL TO ORDER:

A Closed Session and Regular Meeting of the Santa Clara Valley Water District Board of Directors was called to order in the District Headquarters Building Boardroom at 5700 Almaden Expressway, San Jose, California, at 11:00 a.m.

1.1 Roll Call.

Board members in attendance were Nai Hsueh, Gary Kremen, Barbara Keegan, Linda J. LeZotte, and Richard Santos, constituting a quorum of the Board.

Director John L. Varela was absent. Director Tony Estremera arrived as noted below.

Staff members in attendance were S. Yamamoto, District Counsel, M. King, Clerk/Board of Directors, R. Chan, A. Fulcher, C. Hakes, L. Infante, N. Nguyen, K. Oven, M. Richardson, D. Taylor, S. Tikekar, B. Yerrapotu, and T. Yoke. Chief of External Affairs R. Callender represented Chief Executive Officer N. Camacho, Deputy Operating Officer K. Arends represented Chief Operating Officer N. Hawk, and Civic Engagement Manager M. Okelo represented Chief of External Affairs R. Callender.

2. TIME CERTAIN:

11:00 AM

Chairperson Santos announced that the Board would adjourn to Closed Session for consideration of Items 2.1 and 2.2.

During Closed Session, Director Estremera arrived.

Upon return to Open Session, the same Board members including Director Estremera and excluding Director Varela, and staff were present.

- 2.1. CLOSED SESSION
CONFERENCE WITH LEGAL COUNSEL
EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(d)(1)
SCVWD v. San Francisco Bay Regional Water Quality Control Board
Contra Costa County Superior Court, Case No. MSN17-1822
- 2.2. CLOSED SESSION
CONFERENCE WITH LEGAL COUNSEL
EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(a)
- Great Oaks Water Co. v. SCVWD
Santa Clara County Superior Court Case No. 107CV087884
- Great Oaks Water Co. v. SCVWD
Santa Clara County Superior Court Case No. 108CV119465
- Great Oaks Water Co. v. SCVWD
Santa Clara County Superior Court Case No. 108CV123064
- Great Oaks Water Co. v. SCVWD
Santa Clara County Superior Court Case No. 109CV146018
- Great Oaks Water Co. v. SCVWD
Santa Clara County Superior Court Case No. 110CV178947
- Great Oaks Water Co. v. SCVWD
Santa Clara County Superior Court Case No. 111CV205462
- Great Oaks Water Co. v. SCVWD
Santa Clara County Superior Court Case No. 112CV228340
- Great Oaks Water Co. v. SCVWD
Santa Clara County Superior Court Case No. 113CV249349
- Great Oaks Water Co. v. SCVWD
Santa Clara County Superior Court Case No. 115CV281385
- Great Oaks Water Co. v. SCVWD
Santa Clara County Superior Court Case No. 116CV292097
- Great Oaks Water Co. v. SCVWD
Santa Clara County Superior Court Case No. 117CV308140
- Great Oaks Water Co. v. SCVWD
Santa Clara County Superior Court Case No. 118CV327641

1:00 PM

2.3. District Counsel Report.

Mr. Stan Yamamoto, District Counsel, reported that the Board met in Closed Session with all members present, excluding Director Varela, and in regard to Items 2.1 and 2.2, gave directions to staff.

Director Estremera left the meeting and did not return.

2.4. Pledge of Allegiance/National Anthem.

Chairperson Santos led all present in reciting the Pledge of Allegiance.

2.5. Orders of the Day.

Chairperson Santos confirmed that there were no changes to the Orders of the Day.

2.6. Time Open for Public Comment on any Item not on the Agenda.

Chairperson Santos declared time open for public comment on any subject not on the agenda. There was no one present who wished to speak.

3. CONSENT CALENDAR:

The Board considered Consent Calendar Items 3.1 and 3.3-3.5, under one motion.

3.1 Claim of Bertrand Teplitzky.

Recommendation: Deny the claim.

3.2. ITEM REMOVED FROM AGENDA - Membership Nomination for Committee Appointment to the Santa Clara Valley Water District Youth Commission (Youth Commission).

3.3. Membership Nomination for Committee Appointment and Re-appointments to the Safe, Clean Water and Natural Flood Protection Program Independent Monitoring Committee.

Recommendation: A. Consider nomination of Virginia Holtz for a two-year membership appointment to Safe, Clean Water and Natural Flood Protection Program Independent Monitoring Committee; and
B. Consider re-appointments of Carmen Montano, Bill Hoeft, Dan McCorquodale and Tess Byler, to the Safe, Clean Water and Natural Flood Protection Program Independent Monitoring Committee.

3.4. Membership Nominations for Committee Appointments to the Agricultural Water Advisory Committee and Environmental and Water Resources Committee.

- Recommendation:
- A. Consider nominations for two-year membership re-appointments of Russ Bonino, Mitchell Mariani, James Provenzano, William Cilker, David Vanni, Jan Garrod, Michael Miller, and Robert Long to the Agricultural Water Advisory Committee; and
 - B. Consider nominations for two-year membership re-appointments of Bonnie Bamburg, Loren Lewis, Rita Norton, Charles Taylor, John Bourgeois, Bob Levy, Tara Martin-Milius, Sachihiko (Mike) Michitaka, Marc Rauser, Tess Byler, Steven Jordan, and Arthur M. Keller, Ph.D., to the Environmental and Water Resources Committee.

3.5. CEO Bulletin for the Week of November 16-22, 2018.

Recommendation: Accept the CEO Bulletin.

Motion: Approve Consent Calendar Items 3.1 and 3.3-3.5, under one motion, as follows: deny the claim of Bertrand Teplitxky, as contained in Item 3.1; consider nomination of Virginia Holtz for a two-year membership appointment to Safe, Clean Water and Natural Flood Protection Program Independent Monitoring Committee and consider re-appointments of Carmen Montano, Bill Hoeft, Dan McCorquodale and Tess Byler, to the Safe, Clean Water and Natural Flood Protection Program Independent Monitoring Committee, as contained in Item 3.3; consider nominations for two-year membership re-appointments of Russ Bonino, Mitchell Mariani, James Provenzano, William Cilker, David Vanni, Jan Garrod, Michael Miller, and Robert Long to the Agricultural Water Advisory Committee, and consider nominations for two-year membership re-appointments of Bonnie Bamburg, Loren Lewis, Rita Norton, Charles Taylor, John Bourgeois, Bob Levy, Tara Martin-Milius, Sachihiko (Mike) Michitaka, Marc Rauser, Tess Byler, Steven Jordan, and Arthur M. Keller, Ph.D., to the Environmental and Water Resources Committee, as contained in Item 3.4; and accept the CEO Bulletin, as contained in Item 3.5.

Move to Approve: Nai Hsueh
Second: Linda J. LeZotte
Yeas: Nai Hsueh, Gary Kremen, Barbara Keegan, Linda J. LeZotte, Richard Santos
Nays: None
Abstains: None
Recuses: None
Absent: Tony Estremera, John L. Varela
Summary: 5 Yeas; 0 Nays; 0 Abstains; 2 Absent.

Chairperson Santos moved the agenda to Item 5.1.

REGULAR AGENDA:

5. WATER UTILITY ENTERPRISE:

5.1. Planning for Fiscal Year 2019-20 Groundwater Production Charges.

- Recommendation:
- A. Discuss planning for Fiscal Year 2019-20 Groundwater Production Charges and provide direction to staff on projection scenarios and on the fixed charge evaluation; and
 - B. Rescind Resolution 12-11, AN AMENDED AND RESTATED RESOLUTION OF THE BOARD OF DIRECTORS OF THE SANTA CLARA VALLEY WATER DISTRICT ADOPTING PROCEDURES FOR THE IMPOSITION OF GROUNDWATER PRODUCTION CHARGES.

Mr. Darin Taylor, Chief Financial Officer, reviewed the information on this item per the attached Board Agenda Memorandum.

Director Kremen requested that staff investigate the legality and Public Utilities Commission regulatory compliance of Great Oaks Water Company's practice of utilizing its cross-zone well and infrastructure system to deliver to Groundwater Charge Zone W2, groundwater pumped from Groundwater Charge Zone W5.

Director Hsueh expressed support in suspending the implementation of fixed charge concept at this time, and suggested using the Water Conservation and Demand Management Committee as the forum to continue investigating the fixed charge concept.

Motion: Rescind Resolution 12-11, AN AMENDED AND RESTATED RESOLUTION OF THE BOARD OF DIRECTORS OF THE SANTA CLARA VALLEY WATER DISTRICT ADOPTING PROCEDURES FOR THE IMPOSITION OF GROUNDWATER PRODUCTION CHARGES, by roll call vote.

Move to Approve: Nai Hsueh
Second: Linda J. LeZotte
Yeas: Nai Hsueh, Gary Kremen, Barbara Keegan, Linda J. LeZotte, Richard Santos
Nays: None
Abstains: None
Recuses: None
Absent: Tony Estremera, John L. Varela
Summary: 5 Yeas; 0 Nays; 0 Abstains; 2 Absent.

Chairperson Santos returned the agenda to Item 4.1.

4. BOARD OF DIRECTORS:

4.1. Fiscal Year 2019 Board Policy Planning and Performance Monitoring Calendars.

Recommendation: Review, discuss, and revise the Fiscal Year 2019 Board Policy Planning and Performance Monitoring Calendars.

Ms. Michele King, Clerk/Board of Directors, reviewed the information on this item per the attached Board Agenda Memorandum.

The Board noted the information, without formal action.

4.2. Board Committee Reports.

- A. Delta Conveyance Design and Construction Authority Update.
- B. Delta Conveyance Finance Authority Update.
- C. Capital Improvement Program Committee

The Board noted the information, without formal action.

6. WATERSHEDS:

6.1. Proposed Pilot Project for Using Unmanned Aerial Vehicles in Land Surveying and Mapping Activities (County-wide).

Recommendation: Authorize staff to implement a 6-month pilot project for using Unmanned Aerial Vehicles in land surveying and mapping activities.

Mr. Ngoc Nguyen, Deputy Operating Officer, reviewed the information on this item per the attached Board Agenda Memo.

The Board expressed concern about privacy issues associated with the operation of drones, and made the following requests of staff:

- Provide updated costs, including insurance, vehicle purchase price, and cost of compliance with required policies and procedures;
- Provide a copy of the Flight Operations Manual developed by staff described on the attached Board Memorandum, Page 2, Paragraph 3; and
- Come back for further Board discussion, rather than a request for Board authorization.

The Board continued the item to a future meeting.

7. EXTERNAL AFFAIRS:

7.1. Update on the Programs and Activities of the Office of Civic Engagement.

Recommendation: Receive information and updates on the programs and activities of the Office of Civic Engagement.

Mr. Meda Okelo, Civic Engagement Unit Manager, reviewed the information on this item, per the attached Board Agenda Memorandum, and the presentation materials contained in Attachment 1 were reviewed by staff as follows: Mr. Okelo reviewed Slides 1-3; Ms. Sherilyn Tran, Program Administrator, reviewed Slides 4-6; Ms. Marta Lugo, Program Administrator, reviewed Slides 7-9; and Mr. Rick Callender, Chief of External Affairs, reviewed Slides 10-11.

Mr. Callender presented a video highlighting Office of Civic Engagement's 2018 activities.

The Board requested that staff investigate an interpretative way to tell stories for bench signage and organize an appreciation event for all District volunteers after the 2019 National and Coastal Cleanup Day events.

The Board noted the information, without formal action.

7.2. Update on Education Outreach's Outdoor Classroom Program.

Recommendation: Receive information on educational programming at the District's outdoor classrooms.

Ms. Mera Burton, Public Info Representative III, reviewed the information on this item per the attached Board Agenda Memorandum, and reviewed the corresponding presentation materials contained in Attachment 1.

During the presentation, the Board made the following requests of staff:

- Expand north county education outreach;
- Investigate additional uses for outdoor classrooms; and
- Include information on Item 7.1, Slide 4, on the District's 7 Pollution Prevention, Wildlife Habitat Restoration and Trails Projects in the educational component of the program.

8. CHIEF EXECUTIVE OFFICER:

8.1. CEO and Chiefs' Report.

Mr. Okelo reviewed and distributed the attached Legislative Update Report identified as Handout 8.1-A, herein. Copies of the handout were distributed to the Board and made available to the public.

Mr. Callender reported on the Office of External Affairs efforts to monitor the inclusion of Public-Private Partnership issues in recently introduced tax bills and informed the Board of U.S. Department of Agriculture Secretary Stephen Censky

tour of local farm sites, and U.S. Army Corps of Engineer Assistant Secretary R.D. James tour of the South San Francisco Bay Shoreline project site.

9. ADMINISTRATION:

None.

10. DISTRICT COUNSEL:

None.

11. ADJOURN:

11.1. Board Member Reports/Announcements.

Directors Hsueh and Keegan confirmed that they had attended a Board Policy and Planning Committee meeting, but gave no further details.

11.2. Proposed Future Board Member Agenda Items.

None.

11.3. Clerk Review and Clarification of Board Requests.

Ms. King confirmed that there were no new Board Member Requests.

11.4. Adjourn to 3:00 p.m. Special Meeting on December 5, 2018, in the Santa Clara Valley Water District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California.

Chairperson Santos adjourned the meeting at 2:55 p.m., to the 3:00 p.m. Special meeting on December 5, 2018 in the District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California.

Michele L. King, CMC
Clerk/Board of Directors

Approved:

Date: